

③

C. P. Singh

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. No. 1536 /2002

PETITIONER : Sham Sher Bahadur Singh, S/o Late
Shri Ran Bahadur Singh, aged
about 59 years, Assistant
statistical officer (under
suspension) Distt. Planning and
statistical office, Rest house
building, near Bus Stand
Kawardha, Distt. Kawardha (C.G.)

P.R. No. 1538/12
Presented by Shri J.P. Senthur
dated 30.02.12

VERSUS

- RESPONDENTS
1. State of Chhattisgarh
Through Secretary planning and
statistical Mantrayala D.K.S.
Bhawan Raipur (C.G.)
 2. Director Planning and
statistical Mahila Polytechnique
Building pension Bada Baran
Bazar, Raipur (C.G.)
 3. Distt. Planning and statistics
Officer Rest House Building Near
Bus Stand Kawardha, District
Kawardha (C.G.)



PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA.

30/12
J.P. Senthur

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 1536/ सन् 2002

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>D.B.: Hon. Shri Justice P.C.Naik</u> <u>Hon. Shri Justice Fakhruddin, JJ.</u> <u>17.07.2003</u> Petitioner Shamsheer Bahadur Singh in person. On the prayer of the petitioner that the petition may be heard as he will attain the age of superannuation on 31.07.2003, and with the consent of the learned Government Advocate, the matter is taken up for final disposal. Heard. Since the petitioner had not retained any counsel, we asked him whether he would like to get the assistance of a Counsel. On his consent, Shri V.D.Bajpia, Senior Advocate and Shri Prashant Mishra, Advocate were requested to assist him which they gladly agreed to do. That at the relevant time, the petitioner was posted as Assistant Statistical Officer, Kawardha. It appears that when he was on leave, because of some family dispute, he was taken into custody and remained in confinement for over 48 hours. On coming to know about his arrest and custody, the Competent Authority placed the petitioner under suspension. That order	

- 2 -

[पीछे देखिये]

आदेश पत्रक

मामला क्रमांक

WP/536/02
सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	was the subject matter of challenge before the M.P. Administrative Tribunal, Raipur Bench in O.A.No.319/2001. The petitioner had in the said O.A. also challenged the vires of sub-rule 2 of Rule 9 and clause (a) of sub-rule 2 of M.P.Civil Services (Classification, Control & Appeal) Rules, 1966. The O.A. was dismissed on 5.7.2002 which order is the subject matter of challenge in this petition. When the matter had come up before the Court on 4.2.2003, the Court had directed that salary should be paid to the petitioner for the period during which he had performed his duty. It was further directed that adjustment of the period of suspension and salary would be considered in accordance with fundamental rules and outcome of the writ petition, criminal case and departmental enquiry, if any. On a query being raised, it is stated by the petitioner that the salary to which he was entitled has been paid to him. The only amount outstanding, according to the petitioner, is the salary for the leave period of 26 days. It is also fairly stated that his pension papers have been moved and are being processed.	

[पीछे देखिये]

आदेश पत्रक

मामला क्रमांक

W.P./536/02
सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Having considered the matter and in the facts and circumstances of the case and in view of the admitted position that salary has been paid and pension papers are being processed, the Court is of the opinion that no useful purpose would be served in keeping this writ petition pending as it may cause delay in the settlement of the post retiral dues. In the above view of the matter, the petition is disposed of with a direction that the concerned authorities shall process the papers relating to the post retiral dues at an early date and in accordance with law and that benefits due and admissible under the law, be granted to the petitioner promptly. In case the petitioner has any other grievance, he may approach the Court by way of a fresh petition. Before parting with the case, we appreciate the assistance rendered by Shri V.D.Bajpai, Sr. Advocate and Shri Prashant Mishra, Advocate. C.C. as per rules. Sd/- P.C. Naik Judge	Sd/- Fakhruddin Judge

Rao/-

[पीछे देखिये]

W.P.
5/12W.P.
24/12